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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,091	08/21/2001	Bernardus Hendrikus Wilhelmus Hendriks	NL000662	9250
24737	7590 06/25/2004		EXAMINER	
PHILIPS II	NTELLECTUAL PR	TRAN, THANG V		
P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
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			DATE MAILED: 06/25/2004	ر ک

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/914,091	HENDRIKS ET AL.
Office Action Summary	Examiner	Art Unit
	Thang V. Tran	2653
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on		
<u> </u>	action is non-final.	
3) Since this application is in condition for allowar closed in accordance with the practice under E	nce except for formal matters, pro	
Disposition of Claims		
<ul> <li>4)  Claim(s) 1-9 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdraw</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-9 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>		
Application Papers		
9)☐ The specification is objected to by the Examine	r.	
10) The drawing(s) filed on is/are: a) acce	epted or b) $\square$ objected to by the $8$	Examiner.
Applicant may not request that any objection to the	- · ·	` '
Replacement drawing sheet(s) including the correcting 11) The oath or declaration is objected to by the Ex		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign     a) All b) Some * c) None of:     1. Certified copies of the priority documents     2. Certified copies of the priority documents     3. Copies of the certified copies of the priority documents     application from the International Bureau * See the attached detailed Office action for a list of the certified copies.	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)	🗖	
1) X Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da	
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)

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#### **Drawings**

1. The drawings are objected to because reference number 26 shown in Fig. 2 is inconsistent with what is described in the specification and shown in Fig. 1. It should be 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino

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acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike (US 6,134,055).

Regarding claim 1, see Figs. 1-23 of Koike which show an optical element (see Fig.3) for interacting with a first radiation beam having a first wavelength (650 nm) and a second radiation beam having a second wavelength (780 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the optical element having a surface comprising a phase structure in the from of annular areas and the areas forming a non-periodic pattern of optical paths of different length (see Figs. 3 and 4), the optical paths for the first wavelength forming the first wavefront deviation and the optical paths of the second wavelength forming a second wavefront deviation, and the difference between the first and second wavelengths (see respective of disclosure of Figs 3A-7B for details).

Regarding claims 2-6, see respective of disclosure of Figs 3A-7B for details.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 1.

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4. Claims 1, 7, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu (US 6,067,283).

Regarding claim 1, see Figs. 1-5 of Muramatsu which show an optical element (see hologram 14) for interacting with a first radiation beam having a first wavelength (635 nm) and a second radiation beam having a second wavelength (785 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the optical element having a surface comprising a phase structure in the from of annular areas and the areas forming a non-periodic pattern of optical paths of different length (see Figs. 5a-5c), the optical paths for the first wavelength forming the first wavefront deviation and the optical paths of the second wavelength forming a second wavefront deviation, and the difference between the first and second wavelengths (see respective of disclosure of Figs 1-5 for details).

Regarding claims 7 and 8 see hologram 14 and objective lens 15.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 1.

5. Claims 1, 2, 4-6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al. (US 6,639,889).

Regarding claim 1, see Figs. 2A-6 of Yoo et al. which show an optical element (see lens 20) for interacting with a first radiation beam having a first wavelength (650 nm) and a second radiation beam having a second wavelength (780 nm) and introducing a first wavefront deviation in the first radiation beam and a second wavefront deviation in the second radiation beam, the

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optical element having a surface comprising a phase structure in the from of annular areas and

the areas forming a non-periodic pattern of optical paths of different length (see Figs. 2A-5), the

optical paths for the first wavelength forming the first wavefront deviation and the optical paths

of the second wavelength forming a second wavefront deviation, and the difference between the

first and second wavefront deviation is proportional to the difference between the first and

second wavelengths (see respective of disclosure of Figs 2A-5 for details).

Regarding claims 2, 4, 5 and 6, see respective of disclosure of Figs 2A-5 for details.

Regarding claim 9, see the rejection applied to claim 1 above and see Fig. 6.

Regarding claim 10, see circuit 120 in Fig. 12.

# Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical apparatus having an optical element or lens

for correcting aberrations generated in light beams.

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The

examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hang V. Tran

Primary Examiner

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